

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Anatoly DRITSCHILO et al.

Group Art Unit: 1617

Application Serial No. 09/382,794

Examiner: H. Nguyen

Filed: August 25, 1999

Title: DELIVERY SYSTEM FOR THERAPY COMPRISING HOLLOW SEEDS, PREFERABLY METAL,
AND USE THEREOF

* * * * *

Affidavit by Robin L. Teskin
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OR ALTERNATIVELY REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. 1.137(b)

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Robin L. Teskin, declare and state as follows:

- (1) That I am a registered patent attorney and agent of record for this application.
- (2) That responsibility for prosecution of this application was transferred from the law firm of Shaw Pittman to Pillsbury Winthrop on November 28, 2001, the date I joined Pillsbury Winthrop as a partner.
- (3) That on that date responsibility for prosecution of between 1500-2000 active prosecution files was transferred to Pillsbury Winthrop.
- (4) That promptly and diligently upon receipt of these files into Pillsbury Winthrop's offices these 1500-2000 files were reviewed, docketed into our computerized docketing system, and letters to the United States Patent Office as well as to numerous foreign associates were mailed, advising them of the transfer of these matters to Pillsbury Winthrop. In fact, given the volume of this task, our U.S. and foreign docketing staff worked several hundreds of overtime hours during the months of December and January processing transferred files.

(5) That as part of these procedures were in place, a change of attorney for this particular application was filed on August 20, 2001 and entered by the Patent Office as indicated by the address to which an Official Action was sent on October 4, 2001.

(6) That as part of a massive change of address for all Pillsbury records at the USPTO a change of address/Power of Attorney was filed on May 9, 2002 to reflect Pillsbury's customer number (#909) and that this filing had resulted in changing the address of record of the subject application from 1600 Tysons Boulevard, McLean, Virginia 22102 to P.O. Box 10500 McLean, Virginia 22102 and that their change had no impact on the address for mailing the Notice of Non-Compliant Amendment as papers for changing the mailing address for customer #909 were filed March 15, 2002 two months after the apparent date of the Notice.

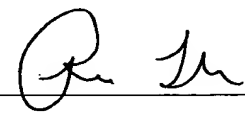
(7) That a Reply to the Official Action of October 4, 2001 was timely filed on December 18, 2001.

(8) That the Notice of Non-Compliant Amendment (37 C.F.R. §1.121) of January 14, 2002 if mailed by the United States Patent and Trademark Office would have been addressed to Pillsbury's address of record at the time which is the same address indicated on the Official Action of October 4, 2001.

(9) That the Notice was never received at Pillsbury prior to the fax from Examiner Nguyen upon request by Mr. Samir Elamrani.

(10) I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true.

10/4/02
Date


Robin L. Teskin

1123102.

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|--------------------|----------|----------|-----------|---------------------|-----|-----|
| ATSUMI 8312 | 21314 | 290493 | GJP | MISS/DATE GRNTD | mgh | dgw |
| DAGENAIS 9919 | 21308 | 290551 | JDK | MISS/DATE GRNTD | mgh | dgw |
| DIXON 9901 | 581909 | 270671 | DJB | MXK 3-MONTH ACTION | mgh | dgw |
| DONDERS 81468 | 721741 | 275328 | JSB RCP | FINAL REJECTION | mgh | dgw |
| GELLING 30268 | 930502 | 265270 | PLS | 3-MONTH ACTION | mgh | dgw |
| GILBERT 81427 | 374205 | 259138 | JSB TPH | NTC OF HEARING | mgh | dgw |
| JOO 8318 | 751446 | 275502 | GJP GPB | NTC/ALL'Y-NO RQ | mgh | dgw |
| KART 60258 | 155201 | 255932 | DSL CHM | 3-MONTH ACTION | mgh | dgw |
| KAWAKAMI 70120 | 521601 | 266233 | DSL TPT | NTC/ALL'Y-NO RQ | mgh | dgw |
| KIM 83124 | 891507 | 279203 | GJP GPB | GJP 3-MONTH ACTION | mgh | dgw |
| KWOK 74066 | 316227 | 270827 | MGP GJP | TJK 3-MONTH ACTION | mgh | dgw |
| LAVERY 70662 | 701901 | 274445 | PLS RWH | NTC/ALL'Y-NO RQ | mgh | dgw |
| LEVINE | 788298 | 276053 | DAJ | 3-MONTH ACTION | mgh | dgw |
| LYNCH 74066 | 149988 | 282758 | MGP PTB | JPD NTC/ALLW'Y-DWGS | mgh | dgw |
| MALLANT 30268 | 305477 | 260500 | PLS ISZ | 3-MONTH ACTION | mgh | dgw |
| MOHSENIN | 458494 | 261849 | DAJ CHK | 3-MONTH ACTION | mgh | dgw |
| NEUBURGER 81069 | 343676 | 256903 | JSB BPC | NTC/ALLOWANCE | mgh | dgw |
| PARK 71261 | 261508 | 260031 | GJP | 3-MONTH ACTION | mgh | dgw |
| PEROTTO 7882 | 992426 | 243804 | ARH RWH | 3-MONTH ACTION | mgh | dgw |
| ROSENSTEIN | 20009 | 277606 | DAJ CDA | MISS/DATE GRNTD | mgh | dgw |
| SAKAMOTO 8312 | 119737 | 248945 | GJP VXX | NTC/ALLOWANCE | mgh | dgw |
| SALMIVALLI 60258 | 14804 | 284103 | DSL CHM | MISS/DATE GRNTD | mgh | dgw |
| SHIMIZU 9523 | 542282 | 264978 | GJP HJD | 3-MONTH ACTION | mgh | dgw |
| SMART 74066 | 142700 | 279186 | MGP GJP | PTB NTC/ALLW'Y-DWGS | mgh | dgw |
| STOELDRALJER 81468 | 293000 | 258884 | JSB HJD | TPT NTC/ALLW'Y-DWGS | mgh | dgw |
| STUDLEY 70662 | 423428 | 264870 | PLS RWH | 3-MONTH ACTION | mgh | dgw |
| SUSLOV 11223 | 719691 | 275956 | MGP PTB | 3-MONTH ACTION | mgh | dgw |

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|------------------|----------|----------|-------------|-----------------|-----|-----|
| TALIEH | 738561 | 269933 | DAJ CHK | NTC/ALL'Y-NO RQ | mgh | dgw |
| TIJET 71246 | 166845 | 254860 | ARH RWH | UNTITLED PAPER | mgh | dgw |
| TORTORELLO 21028 | 419113 | 260272 | PLS WDW | FINAL REJECTION | mgh | dgw |
| VOLPE | 252637 | 239600 | DAJ | 3-MONTH ACTION | mgh | dgw |
| WILLUS | 451919 | 255328 | EXF | NTC/ALLW'Y-DWGS | mgh | dgw |
| YAMAMOTO 40806 | 369318 | 254968 | DSL JPD | FINAL REJECTION | mgh | dgw |
| YOKOI 11453 | 701137 | 275392 | GLK JPD TIS | 3-MONTH ACTION | mgh | dgw |

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| Inventor | Serial # | Matter # | Attorneys | Action Desc. | ID1 | ID2 |
|--------------------------|-------------------|-------------------|------------------------|----------------------------|----------------|----------------|
| ASAI 41226 | 529597 | 266966 | GJP KMF AJM | NTC/ALL'Y-NO RQ | dgw | jeh |
| AYASH | 126882 | 239624 | DAJ | ABANDONMENT | dgw | jeh |
| DAO | 663560 | 269868 | DAJ CDA | 3-MONTH ACTION | dgw | jeh |
| DUSCH 21123 | 657998 | 272800 | MAS | 3-MONTH ACTION | dgw | jeh |
| EWING 30663 | 555121 | 270644 | WPA | NTC/ALLOWANCE | dgw | jeh |
| IDE 8312 | 801745 | 278018 | GJP WSE JMS | FINAL REJECTION | dgw | jeh |
| ITO 50931 | 510235 | 266331 | GJP HJD KXG | FINAL REJECTION | dgw | jeh |
| JEONG 82124 | 751939 | 275428 | GJP GPB | 3-MONTH ACTION | dgw | jeh |
| KAMIO 7874 | 520966 | 257725 | ARH RWH | FINAL REJECTION | dgw | jeh |
| LEE 82118 | 722494 | 275853 | GJP GPB | 3-MONTH ACTION | dgw | jeh |
| LEE 82124 | 750228 | 276525 | GJP GPB GJP | NTC/ALLOWANCE | dgw | jeh |
| LOONTJENS 30268 | 772870 | 275560 | PLS ISZ | NTC/ALL'Y-NO RQ | dgw | jeh |
| ARCH 9901 | 597835 | 270771 | PLS | 3-MONTH ACTION | dgw | jeh |
| MAUGHON | 271348 | 257393 | DHJ TVG NSB | NTC/ALL'Y-NO RQ | dgw | jeh |
| MERKAMM 21123 | 373731 | 263268 | MAS | FINAL REJECTION | dgw | jeh |
| MEYRICK 70662 | 647479 | 271586 | PLS RWH | FINAL REJECTION | dgw | jeh |
| NGUYEN 21058 | 809044 | 237276 | WPA | 3-MONTH ACTION | dgw | jeh |
| OHMI 40358 | 679061 | 274016 | GJP | 3-MONTH ACTION | dgw | jeh |
| REYMOND 11422 | 332902 | 260363 | GJP RWH | 3-MONTH ACTION | dgw | jeh |
| SATO 51273 | 438292 | 264962 | DSL JPD CDB | NTC/ALL'Y-NO RQ | dgw | jeh |
| SCHACHT 40432 | 754113 | 273642 | WPA | 1-MONTH ACTION | dgw | jeh |
| SINGH 81468 | 605651 | 271436 | JSB RCP | 3-MONTH ACTION | dgw | jeh |
| SPARGO 81815 | 606085 | 262926 | JSB | NTC/ALL'Y-NO RQ | dgw | jeh |
| STANIER 81935 | 395769 | 263286 | PLS PLS ISZ | NTC/ALL'Y-NO RQ | dgw | jeh |
| SUVANEN 60256 | 486492 | 257670 | DSL CHM | 3-MONTH ACTION | dgw | jeh |
| UZOH | 483095 | 259625 | DAJ CDA | NTC/ALL'Y-NO RQ | dgw | jeh |

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|-----------|----------|----------|-------------|-----------------|-----|-----|
| BERGMANN | 381032 | 263260 | RXT BDW | FINAL REJECTION | lxs | jeh |
| CLARKIN | 756104 | 270646 | DSL RCP | 3-MONTH ACTION | lxs | jeh |
| DULEY | 341575 | 262300 | JSB WSE | 3-MONTH ACTION | lxs | jeh |
| FOGED | 239533 | 258274 | JSB BET | SEQUENCE LIST | lxs | jeh |
| KATAYAMA | 577503 | 270559 | DSL ASW | NTC/ALL'Y-NO RQ | lxs | jeh |
| KIM | 860769 | 281210 | GJP | 3-MONTH ACTION | lxs | jeh |
| KOIKE | 604791 | 271504 | GJP | NTC/ALL'Y-NO RQ | lxs | jeh |
| KUNG | 327376 | 260310 | GJP | NTC/ALL'Y-NO RQ | lxs | jeh |
| MAIN | 743455 | 275905 | PLS RWH | NTC/ALL'Y-NO RQ | lxs | jeh |
| PIIRAINEN | 171881 | 256326 | DSL CHM CDB | NTC/ALLW'Y-DWGS | lxs | jeh |
| PIIRAINEN | 355748 | 262698 | DSL CHM | NTC/ALL'Y-NO RQ | lxs | jeh |

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| Inventor | Serial # | Matter # | Attorneys | Action Desc. | ID1 | ID2 |
|--------------------------|-------------------|----------|-----------|-----------------|-----|-----|
| BEN-MEIR | 603116 | 269893 | DAJ RSJ | 3-MONTH ACTION | jeh | dgw |
| EIKMANN 21123 | 455777 | 265175 | MAS | NTC/ALL'Y-NO RQ | jeh | dgw |
| ELLIS 91498 | 980058 | 257908 | DSL CMC | 3-MONTH ACTION | jeh | dgw |
| MCFARLAND | 474602 | 261838 | DAJ RSJ | 3-MONTH ACTION | jeh | dgw |
| PINCKARD | 706072 | 271944 | JEJ KAC | 3-MONTH ACTION | jeh | dgw |
| STANIER 18679 | 701885 | 275992 | PLS JKH | 3-MONTH ACTION | jeh | dgw |
| WILKIN 7040 | 755114 | 276508 | ALM | 3-MONTH ACTION | jeh | dgw |

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| Inventor | Serial # | Matter # | Attorneys | Action Desc. | ID1 | ID2 |
|-----------|----------|----------------------|-------------------------------|---------------------|-----|-----|
| ANDERSON | 905928 | 280645 | RXT | UNTITLED PAPER | mgh | dgw |
| ARITAKE | 365752 | 262758 | DSL GPB | FINAL REJECTION | mgh | dgw |
| BAE | 824879 | 279267 | GJP RXT | 3-MONTH ACTION | mgh | dgw |
| CHARLES | 486385 | 265534 | DJB ^{PLS} | MXK 3-MONTH ACTION | mgh | dgw |
| DIXON | 674083 | 271018 | DJB ^{PLS} | MXK 3-MONTH ACTION | mgh | dgw |
| FURUTA | 149886 | 283748 | DSL JRM | VPH MISS/DATE GRNTD | mgh | dgw |
| HASEGAWA | 851428 | 280326 | GJP | 1-MONTH ACTION | mgh | dgw |
| HEIKKILA | 26943 | 284176 | DSL CHM | MISS/DATE GRNTD | mgh | dgw |
| KIMOTO | 905976 | 281577 | DSL GPB | 3-MONTH ACTION | mgh | dgw |
| KOMINO | 667770 | 272798 | GJP | 3-MONTH ACTION | mgh | dgw |
| KOWALCZYK | 691243 | 274264 | JSB BPC | 3-MONTH ACTION | mgh | dgw |
| LI | 849348 | 280311 | GJP AJM | NTC/ALL'Y-NO RQ | mgh | dgw |
| MCBRIDE | 738317 | 274203 | JSB | 3-MONTH ACTION | mgh | dgw |
| MOCKEL | 852137 | 280306 | MAS | 3-MONTH ACTION | mgh | dgw |
| MOSER | 284140 | 258885 | DSL | 3-MONTH ACTION | mgh | dgw |
| SHIMIZU | 434280 | 264913 | ARH RWH | NTC/ALLOWANCE | mgh | dgw |
| TERADA | 746367 | 226667 | GJP TCS | FINAL REJECTION | mgh | dgw |
| VELASQUEZ | 150026 | 280835 | BPC JSB | NTC/ALLW'Y-DWGS | mgh | dgw |
| WALKER | 605885 | 255694 | GJP | 3-MONTH ACTION | mgh | dgw |
| WALKER | 729983 | 275709 | DJB ^{RWH} | MXK 3-MONTH ACTION | mgh | dgw |
| WATARAI | 814952 | 276883 ⁷⁰ | GJP KMF | WSE NTC/ALL'Y-NO RQ | mgh | dgw |
| WESTON | 923005 | 283226 | PNK | UNTITLED PAPER | mgh | dgw |
| WHITE | 628187 | 275977 | RXT | FINAL REJECTION | mgh | dgw |
| YUE | 745068 | 269528 | DAJ | 3-MONTH ACTION | mgh | dgw |
| YUE | 12209 | 276083 | DAJ | MISS/DATE GRNTD | mgh | dgw |
| WEICHER | 807500 | 236007 | PLS BET | FINAL REJECTION | mgh | dgw |
| ZHOU | 256351 | 259223 | DSL VPH | NTC/ALLW'Y-DWGS | mgh | dgw |

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|-----------------------------------|-------------------|-------------------|--------------------|--------------------------------|----------------|----------------|
| BEDARD 9919 | 14803 | 284138 | JDK | MISS/DATE GRNTD | jeh | lxs |
| BEDELLS 30662 | 423052 | 264888 | PLS RWH | 3-MONTH ACTION | jeh | lxs |
| BREWER 74066 | 469954 | 270865 | GJP PTB | NTC/ALL'Y-DWGS | jeh | lxs |
| DUVACQUIER 7887 | 38931 | 251121 | ARH RWH | NTC/ALL'Y-DWGS | jeh | lxs |
| EWING 30663 | 555121 | 270644 | PNK | NTC/ALL'Y-NO RQ | jeh | lxs |
| FURBER 9901 | 583000 | 271556 | PLS | 1-MONTH ACTION | jeh | lxs |
| GUSTAFSSON 60256 | 529557 | 258468 | DSL CHM | 3-MONTH ACTION | jeh | lxs |
| HANEY 40803 | 523459 | 257667 | GLK | TIS 3-MONTH ACTION | jeh | lxs |
| HASEGAWA 8312 | 188568 | 257850 | GJP WSE | NTC/ALL'Y-NO RQ | jeh | lxs |
| HASHIMOTO 8312 | 363107 | 262754 | GJP WSE | FINAL REJECTION | jeh | lxs |
| HAYAKAWA 51273 | 631696 | 271659 | DSL JPD | NTC/ALL'Y-NO RQ | jeh | lxs |
| KIM 82116 | 705873 | 275271 | GJP GPB | 3-MONTH ACTION | jeh | lxs |
| IM 82124 | 741878 | 275487 | GJP GPB | FINAL REJECTION | jeh | lxs |
| KIVIRANTA 60358 | 7691 | 290442 | DSL CHM | MISS/DATE GRNTD | jeh | lxs |
| KOIKE 31317 | 681412 | 224570 | DSL GPB | 3-MONTH ACTION | jeh | lxs |
| KUBO 8312 | 469166 | 265481 | GJP CDB | FINAL REJECTION | jeh | lxs |
| KWOK 74066 | 4428 | 282761 | GJP PTB | TJK INCOMPLETE APPL | jeh | lxs |
| LANSBERRY 41564 | 577261 | 266764 | JSB BPC | NTC/ALL'Y-NO RQ | jeh | lxs |
| LINDEQUIST 70051 | 647452 | 274015 | ALM PTB VXX | NTC/ALL'Y-NO RQ | jeh | lxs |
| MIZUTANI 70145 | 643712 | 271534 | DSL GPB GTB | NTC/ALL'Y-NO RQ | jeh | lxs |
| OVEREND 70667 | 331958 | 260245 | PLS RWH | FINAL REJECTION | jeh | lxs |
| RYOO 82124 | 5877 | 282761 | GJP GPB | MISS/DATE GRNTD | jeh | lxs |
| SAKAI 30954 | 95131 | 254757 | DSL WSE | NTC/ALL'Y-NO RQ | jeh | lxs |
| SHAO 11190 | 319363 | 260533 | GLK RCP TIS | FINAL REJECTION | jeh | lxs |
| SYMONS 61307 | 937565 | 283676 | PNK | 3-MONTH ACTION | jeh | lxs |
| HIELEMANS 91541 to 918 1-14-02 | 209415 | 259280 | GLK WSE TIS | FINAL REJECTION | jeh | lxs |
| UEMURA 51273 | 828159 | 280087 | DSL JPD | 3-MONTH ACTION | jeh | lxs |

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| UZAWA 9523 | 522038 | 257764 | GJP HJD | NTC/ALL'Y-NO RQ | jeh | lxs |
| WETZEL 90128 | 930702 | 272744 | PLS | FINAL REJECTION | jeh | lxs |
| YAHAV 20598 | 820815 | 278010 | DSL | 3-MONTH ACTION | jeh | lxs |
| YAMADA 11349 | 414864 | 264189 | GJP (ISZ) | 3-MONTH ACTION | jeh | lxs |
| YAMANASHI 9523 | 540533 | 258446 | GJP HJD TPT | NTC/ALL'Y-NO RQ | jeh | lxs |
| OSTGARD 21123 | 783387 | 277070 | (MAS) | 1-month action | jeh | |

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6-Loose papers